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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-fifth session
2 - 27 August 1999

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Kyrgyzstan

1. The Committee considered the initial report of Kyrgyzstan (CERD/C/326/Add.1) at its 1354th meeting (see CERD/C/SR.1354), on 16 August 1999. At its 1364th meeting (see CERD/C/SR.1364), on 23 August 1999, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report, prepared in accordance with the Committee's guidelines and commends the quality of the frank, detailed and informative report. However, although appreciating the presence of a representative of the State party during the examination of the report, the Committee regrets the absence of a delegation with which an in-depth dialogue could have been initiated. An oral and immediate response to the wide range of questions raised by the members of the Committee during the consideration of the report could have eliminated some of its concerns.

B. Factors and difficulties impeding the implementation
of the Convention

3. Having gained independence and obtained United Nations membership in 1992, the State party has begun the process of legislative reform in the midst of large-scale economic and political transformation. In doing so, the State party must deal with a legacy of difficult relations among various ethnic groups such as the violent clashes between ethnic Kyrgyz and Uzbek inhabitants in Osh Oblasty which occurred in 1990, resulting in human casualties and property damage.

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C. Positive aspects

4. The Committee notes the efforts of the State party to include various state institutions, ethnic communities and non-governmental organizations in the preparation of the report.

5. The Committee notes that the Constitution of the State party prohibits any kind of discrimination on grounds of origin, sex, race, nationality, language, faith, political or religious convictions or any other personal or social trait or circumstance, and that the prohibition against racial discrimination is also included in other legislation, such as the Civil, Penal and Labour Codes.

6. The Committee notes with appreciation the statement of the State party that Kyrgyzstan is a multicultural society, and the efforts of the State party to promote involvement of the civil society in activities aiming at the elimination of racial discrimination and intolerance. These include the convening of multi-ethnic *kurultai* (councils), the Assembly of the People of Kyrgyzstan, and the cooperation with the OSCE High Commissioner on National Minorities which has resulted in the holding of several international seminars on inter-ethnic relations. These have brought together international experts, national non-governmental organizations and government representatives.

D. Principal subjects of concern

7. In regard to article 5 of the Convention, concern is expressed about racial discrimination against inhabitants who are not ethnic Kyrgyz in the fields of employment and housing, in particular against the Russian-speaking minority.

E. Suggestions and recommendations

8. The Committee recommends that the State party take steps to ensure that national legislation is in full conformity with article 4 (b) of the Convention.

9. The Committee wishes to receive further information regarding the practical enjoyment by persons belonging to ethnic and national minorities of the rights listed in article 5 (e) of the Convention, in particular the right to work, including the right to equal opportunities of promotion and career development, the rights to health, education and to housing.

10. The Committee requests the State party to provide further information on the measures taken to resolve the underlying problems which resulted in clashes and unrest between ethnic Kyrgyz and Uzbek inhabitants in Osh Oblasty so as to prevent the recurrence of such incidents. The Committee also wishes to receive further information related to the criminal proceedings brought against individuals involved in the incidents, and to what extent convictions were directly linked to acts of racial discrimination.

11. In its forthcoming report, the State party should also include information on the following: the mandate and activities of the Human Rights Commission established in 1997; the 1994 State Property (De-Statization and Privatization) Act, and the criteria for naturalization.

12. The Committee suggests that the State party take steps to ensure the wide dissemination of the Convention, the periodic reports of the State party and the conclusions of the Committee.

13. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992

at the fourteenth meeting of States parties to the Convention.

14. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

15. The Committee recommends that the State party's next periodic report, which is due on 4 October 2000, be an updating report, taking into account the points raised in the present concluding observations.